

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

IN RE CROP PROTECTION
PRODUCTS LOYALTY PROGRAM
ANTITRUST LITIGATION

This document relates to: ALL
ACTIONS

Case No: 1:23-md-3062-TDS-JEP

**DEFENDANTS'
MOTION TO DISMISS**

Defendants Syngenta Crop Protection AG, Syngenta Corporation, and Syngenta Crop Protection, LLC (together, “Syngenta”), and Corteva, Inc. (“Corteva”; and together with Syngenta, “Defendants”) hereby move pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure to dismiss the Complaint filed by Plaintiffs in the above-referenced action. In support of this Motion, Defendants state the following:

1. Plaintiffs’ federal antitrust claims fail to state a claim because Plaintiffs are indirect purchasers and no exception to the direct purchaser rule applies here, and because Plaintiffs cannot show proximate cause.
2. Plaintiffs’ state law claims fail to state a claim under state law for several, independent reasons.

3. First, Plaintiffs fail to plead the requisite proximate causation for all state antitrust claims and for several state consumer protection claims.
4. Second, Plaintiffs lack standing to sue under the state laws of the jurisdictions in which they do not allege that they have suffered injury.
5. Third, Plaintiffs' state antitrust and consumer protection claims fail in certain states for state-specific reasons, including because:
 - a. Plaintiffs fail to allege the requisite intrastate misconduct or substantial intrastate effects for their claims under the antitrust and consumer protection laws of several states;
 - b. Plaintiffs lack standing to sue under the laws of Montana and Puerto Rico, where antitrust suits are not permitted by indirect purchasers;
 - c. The consumer protection statutes of 5 states under which Plaintiffs bring claims do not permit class actions;
 - d. Plaintiffs lack standing to bring claims under state consumer protection laws that protect only non-commercial consumers;
 - e. Plaintiffs do not allege any deceptive, misleading, or false acts or practices required to state a claim under certain states' consumer protection statutes; and
 - f. Plaintiffs' claims under 3 states' consumer protection laws fail for additional state-specific reasons.

6. Nearly all of Plaintiffs' claims are time-barred as to paraquat.
7. In support of this Motion, Defendants rely on the arguments and authority in the accompanying brief, and all other arguments offered in support of this Motion.
8. Defendants respectfully request that this Court allow oral argument on this Motion. Special considerations warrant oral argument in this case. Plaintiffs assert 58 causes of action under federal antitrust and various state laws. Defendants move to dismiss on several independent grounds, and oral argument could be of assistance to the Court in adjudicating this Motion.

For the reasons stated herein and in Defendants' brief in support of this Motion, Defendants respectfully request that all claims against them be dismissed with prejudice in their entirety.

This the 11th day of March 2024.

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